

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

DEBRA GRAHAM, et al.,)	
)	
Plaintiffs,)	Case No. 3:08-cv-50019
)	
v.)	Judge Fredrick J. Kapala
)	
RYAN INTERNATIONAL AIRLINES, INC.)	Magistrate Judge Michael Mahoney
)	
Defendant.)	
)	

**DEFENDANT'S NOTICE OF SUPPLEMENTAL AUTHORITY PERTINENT TO ITS
MOTION TO DISMISS CLAIMS FIVE THROUGH TEN OF PLAINTIFFS'
FIRST AMENDED COMPLAINT**

September 8, 2008

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STATEMENT

The Defendant Ryan International Airlines, Inc. (“Defendant”) filed its Motion to Dismiss Claims Five Through Ten of Plaintiffs’ First Amended Complaint on May 2, 2008 (Docket Nos. 25-27, 31-33). On May 30, 2008, Plaintiffs filed their Opposition papers (Docket No. 41). On June 20, 2008, Defendant filed a Reply in Support of Its Motion to Dismiss Claims Five Through Ten of Plaintiffs’ Complaint (Docket No. 44). Defendant’s motion is pending before the Court.

In its motion, Defendant argued that Plaintiffs’ Illinois wage and hour claims are preempted by the Fair Labor Standards Act, as well as by the broad panoply of federal regulation of airlines and air travel. (Def. Corrected Mem. in Support of Its Mot. to Dismiss at 8-10 [Docket No. 32].)

On August 26, 2008, the United States Court of Appeals for the Seventh Circuit, citing with approval the Sixth Circuit’s decision in *R.J. Corman R.R. v. Palmore*, 999 F.2d 149, 151 (6th Cir. 1993) (cited in Def. Corrected Mem. in Support of Its Mot. to Dismiss at 8-9 [Docket No. 32]), affirmed the dismissal of Illinois wage and hour claims. *See Wisconsin Central, Ltd. v. Shannon*, No. 07-3554, 2008 U.S. LEXIS 18331 (7th Cir. Aug. 26, 2008), attached hereto as Exhibit 1. In *Wisconsin Central, Ltd.*, the Seventh Circuit ruled that “Congress’s pervasive regulation of the railways and its clear intent that much of this regulation allow for no state supplement, leads us to conclude that Illinois’s overtime regulations, as applied to interstate railways, are preempted.” *Id.* at *32-33.

The Seventh Circuit’s decision in *Wisconsin Central, Ltd.* is relevant to Defendant’s argument that Plaintiffs’ Illinois state law claims for overtime pay are preempted and fail as a matter of law.

Dated: September 8, 2008

Respectfully submitted,

RYAN INTERNATIONAL AIRLINES, INC.

By: s/ Kirsten M. Evans

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was electronically filed with the Court this 8th day of September, 2008, which will send a notice of electronic filing to the following counsel of record:

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s/ Kirsten M. Evans
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